

PLANNING COMMISSION MINUTES

March 28, 2001

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen, Brian Lynott and Dan Maks. Planning Commissioner Chuck Heckman was excused.

Senior Planner John Osterberg, Associate Planner Scott Whyte, City Utilities Engineer David Winship, Engineering Project Manager Charlie Harrison, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATIONS:

On question, staff indicated that there were no communications at this time.

OLD BUSINESS:

CONTINUANCE:

Chairman Voytilla opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1 **A. CUP 2001-0003 – SORRENTO WATER WORKS STORAGE BUILDING**
2 **ADDITION**

3 (Continued from March 21, 2001)

4 This land use application has been submitted requesting Planning Commission
5 approval of a Conditional Use Permit (CUP) for the proposed expansion of an
6 existing conditional use of an existing water works facility at 7850 SW 136th
7 Avenue. The existing conditional use is the water facility found on the site, and
8 the expansion includes the addition of a storage building approximately 1,600
9 square feet in size, including associated utilities. The development proposal is
10 located on Washington County Assessor's Map 1S1-21CD, Tax Lot 200. The site
11 is zoned Urban Standard Density (R-5) and is approximately 1.66 acres in size.

12
13 Senior Planner John Osterberg, on behalf of Associate Planner Tyler Ryerson,
14 observed that a member of the public had requested at last week's Public Hearing
15 that the record be left open for seven days in order to provide an opportunity to
16 receive additional information and materials. He mentioned that the only
17 additional information received by today's deadline had been submitted by staff,
18 in the form of a Memorandum from City Utilities Engineer David Winship, dated
19 March 28, 2001. He pointed out that Howard Stein, who had made this request
20 for additional time, had not submitted any additional information, although he had
21 been advised of the deadline.

22
23 On question, all Planning Commissioners indicated that they had received and
24 reviewed the Memorandum referred to by Mr. Osterberg.

25
26 Observing that he had not been in attendance last week, Commissioner Barnard
27 indicated that he intends to abstain from voting on this issue.

28
29 Commissioner Johansen expressed his opinion that the issues relating to the
30 application had been resolved, with the possible exception of building design
31 issues, which he feels should be addressed prior to making a decision.

32
33 Commissioner Lynott expressed his concern that the backhoe would not fit into
34 the door, as proposed, requesting that the larger door be approved in an effort to
35 avoid the purchase of a forklift, at a cost of nearly \$20,000.

36
37 Commissioners Maks and Bliss and Chairman Voytilla all expressed their support
38 of the application, with appropriate conditions of approval.

39
40 Commissioner Maks **MOVED** that CUP 2001-0003 – Sorrento Water Works
41 Storage Building Addition Conditional use Permit, be approved, based upon the
42 testimony, reports and exhibits presented during the Public Hearing on the matter
43 and upon the background facts, findings and conclusions found in the Staff Report
44 dated March 14, 2001, as amended, based upon this Public Hearing, subject to
45 Conditions of Approval Nos. 1 through 5, including additional Condition of
46 Approval, as follows:

- 1 6. The garage door shall not exceed twelve feet in height and shall be
2 residential in style and character, to be determined by the Board of
3 Design Review;
4

5 and including the following recommendation:
6

7 That the Board of Design Review review the roofing and height for the
8 proposed structure so that they may maximize compatibility with the
9 existing and future residential use.
10

11 Commissioner Bliss **MOVED** that the motion be amended to include two
12 additional conditions, as follows:
13

- 14 7. The applicant meet the standards of access as applicable
15 under Article 9 of 1994 Uniform Fire Code, and in
16 particular, as published by the Tualatin Valley Fire District,
17 prior to occupancy and/or use of the facility; and
18

- 19 8. Construction/vehicular access, other than small pickups or
20 passenger vehicles, shall be via the planned access to
21 Hanson Road.
22

23 Commissioner Maks commented that he does not accept the friendly amendment
24 to his main motion, observing that the main motion is still on the floor.
25

26 Commissioner Johansen **SECONDED** the motion that CUP 2001-0003 –
27 Sorrento Water Works Storage Building Addition Conditional use Permit, be
28 approved, based upon the testimony, reports and exhibits presented during the
29 Public Hearing on the matter and upon the background facts, findings and
30 conclusions found in the Staff Report dated March 14, 2001, as amended, based
31 upon this Public Hearing, subject to Conditions of Approval Nos. 1 through 5,
32 including additional Condition of Approval, as follows:
33

- 34 6. The garage door shall not exceed twelve feet in height and shall be
35 residential in style and character, to be determined by the Board of
36 Design Review;
37

38 and including the following recommendation:
39

40 That the Board of Design Review review the roofing and height for the
41 proposed structure so that they may maximize compatibility with the
42 existing and future residential use.
43

44 Commissioner Bliss **MOVED** that the motion be amended to include two
45 additional conditions, as follows:
46

1 7. The applicant meet the standards of access as applicable under Article
2 9 of 1994 Uniform Fire Code, and in particular, as published by the
3 Tualatin Valley Fire District, prior to occupancy and/or use of the
4 facility; and

5
6 8. Construction/vehicular access, other than small pickups or passenger
7 vehicles, shall be via the planned access to Hanson Road.

8
9 Chairman Voytilla questioned whether Commissioner Bliss's intent is that the
10 specified access via Hanson Road be only during the construction period.

11
12 Commissioner Bliss clarified that he had been referring to access by construction
13 vehicles, adding that he concurs with the Memorandum from City Utilities
14 Engineer David Winship, dated March 28, 2001, in which the City has reached an
15 agreement with the developer regarding the construction of the access road.

16
17 Commissioner Lynott **SECONDED** the motion to amend the motion to include
18 two additional conditions, as follows:

19
20 7. The applicant meet the standards of access as applicable under Article
21 9 of 1994 Uniform Fire Code, and in particular, as published by the
22 Tualatin Valley Fire District, prior to occupancy and/or use of the
23 facility; and

24
25 8. Construction/vehicular access, other than small pickups or passenger
26 vehicles, shall be via the planned access to Hanson Road.

27
28 Observing that he understands and respects Commissioner Bliss's position,
29 Commissioner Maks referred to the Facilities Review process by which the Fire
30 District, as service providers, sign off on the application and/or raise issues at that
31 point in time. He emphasized that while he shares this concern, since this entity
32 has raised no specific issues with regard to the access for Fire equipment, he does
33 not intend to step in as the service provider, at this point.

34
35 Commissioner Bliss clarified the purpose of his motion, pointing out that he had
36 revisited the site and found that the existing driveway shared by the adjoining
37 property owner is, at its widest point, only nine feet, which is significantly less
38 than the minimum required fifteen feet when two residential properties are
39 involved. He further explained that the Fire Marshall had actually required a
40 twenty-foot clearance, emphasizing that it would be necessary to trim a large
41 rhododendron overshadowing this area.

42
43 Motion to amend the motion to include two additional conditions, as follows:

44
45 7. The applicant meet the standards of access as applicable under Article
46 9 of 1994 Uniform Fire Code, and in particular, as published by the

Tualatin Valley Fire District, prior to occupancy and/or use of the facility; and

8. Construction/vehicular access, other than small pickups or passenger vehicles, shall be via the planned access to Hanson Road.

CARRIED, by the following roll call vote:

Ayes: Bliss	Nays: Maks
Johansen	Voytilla
Lynott	

with the exception of Commissioner Barnard, who abstained from voting on this issue.

Commissioner Maks requested that Commissioner Bliss restate his amendment to the motion.

Commissioner Bliss restated the amendment, as follows:

7. The applicant meet the standards of access as applicable under Article 9 of 1994 Uniform Fire Code, and in particular, as published by the Tualatin Valley Fire District, prior to occupancy and/or use of the facility; and

8. Construction/vehicular access, other than small pickups or passenger vehicles, shall be via the planned access to Hanson Road.

Commissioner Maks clarified the action that the Planning Commission had just passed, explaining that the access road does not have to be constructed prior to construction of the building. He emphasized that the building can be built, completed and actually sit there for three years, and until the building is used, the access road does not have to be constructed.

Motion **CARRIED**, unanimously, with the exception of Commissioner Barnard, who abstained from voting on this issue.

7:20 p.m. City Utilities Engineer David Winship and Engineering Tech 2 Charlie Harrison left.

NEW BUSINESS:

PUBLIC HEARINGS:

A. LP 2001-0001 – MISS TRACY ESTATES LAND PARTITION

1 This land use application for a three lot-partition approval on Lot 2001, with
2 modification to the street design standards. The development proposal is located
3 at 6130 SW 127th Court and is located on Washington County Assessor's Map
4 1S1-21AA, Lots 2000 and 2001. Lot 2000, which is zoned Urban Medium
5 Density (R-2) is a private tract of land providing vehicular access to Lot 2001,
6 which is zoned Urban Standard Density (R-7). Together the two parcels are
7 approximately 0.91 acres in size.

8
9 **B. FS 2001-0002 – MISS TRACY ESTATES FLEXIBLE SETBACK**

10 This land use application for approval of a flexible setback for Lot 1 of the
11 proposed partition (LP 2001-0001), in order to reduce the required 25-foot rear
12 yard setback to approximately 10.5 feet. The applicant proposes to retain an
13 existing single-family dwelling located on Lot 1, and approval of this request
14 would allow this existing dwelling to remain in its present location, at
15 approximately 10.5 feet from the east property boundary.

16
17 On question, Commissioners Maks, Bliss, Barnard, Johansen and Lynott and
18 Chairman Voytilla all indicated that they had either visited or were familiar with
19 the site and made no contact with anyone with regard to these applications.

20
21 Associate Planner Scott Whyte presented the Staff Report and described the
22 request for a flexible setback approval in conjunction with a request for a land
23 partition approval. Observing that such a request for a land partition would
24 typically be addressed administratively, he mentioned that the existing dwelling is
25 subject to Flexible Setback approval, but is presently set back to the required
26 standard for an R-7 zone. Concluding, he recommended approval of both
27 applications, and offered to respond to any questions or comments.

28
29 Commissioner Maks welcomed Mr. Whyte and questioned when this application
30 was deemed complete.

31
32 Mr. Whyte responded to Commissioner Maks' question, noting that the
33 application had been deemed complete on February 7, 2001.

34
35 Expressing his opinion that Mr. Whyte had done a good job on the Staff Report,
36 Commissioner Maks requested clarification of why the applicant had determined
37 that it was not necessary to submit any information with regard to the
38 Comprehensive Plan. Emphasizing that the Code requires that the applicant
39 address the objectives and policies of the Comprehensive Plan, he questioned how
40 this application had been deemed complete when this information had not been
41 provided. Observing that nothing the applicant had submitted had addressed the
42 first criterion for lot partition, he questioned whether staff is doing the applicant's
43 work.

44
45 Mr. Whyte responded to Commissioner Maks' observation, noting that it is
46 appropriate for staff to review findings.

Commissioner Maks stated that it is appropriate for staff to review the applicant's submittal, emphasizing that none of this information had been submitted. He requested clarification of how the applicant had addressed objectives 3.4.2.10 and 3.4.2.12; policies 3.4.3D and 3.4.3H; and very specifically policy 3.4.3K, 3.4. 3L, 3.4.3Q, 3.4.3R and 3.4.3Y, which actually addresses residential neighborhoods in the Central Beaverton area. He pointed out that these objectives and staff within the Facilities Review process had not even addressed policies. He requested that Mr. Osterberg notify the second floor that the Comprehensive Plans located in the drawers in the Council Chambers are the old version. He specifically explained his rationale for bringing up the issue of addressing these objectives and policies, as follows: 1. It doesn't look good; 2. It is not good policy; and 3. The decision could be appealed if the Comprehensive Plan objectives and policies are not addressed.

Senior Planner John Osterberg advised Commissioner Maks that this area is not in the Central Beaverton area, as he had indicated, observing that this is actually in the Highland area and does not have its own unique designation.

On question, Mr. Whyte informed Commissioner Johansen that any future development would have to comply with the existing 25-foot setback.

Commissioner Barnard expressed concern with the manner in which Flexible Setback Condition of Approval No. 1 is phrased, specifically that future additions or modifications to the dwelling on Lot No. 1 shall observe the setbacks as required.

Mr. Whyte informed Commissioner Barnard that this condition could be modified to reflect that the dwelling on Lot No. 1 shall observe the setbacks as required *by the appropriate zone*.

Commissioner Johansen requested clarification which portion is the front yard of Parcel No. 2.

Mr. Whyte advised Commissioner Johansen that the front yard on Parcel No. 2 is from the frontage along the cul-de-sac at right angles extending out for twenty feet and that the rear property line consists of the southern property line.

APPLICANT:

BRUCE VINCENT, representing *Bedsaul-Vincent Consulting*, introduced the property owner, Robert Renner, and Lance Ludwick, the engineer responsible for the development plans. He described the application for a three-lot partition, which includes two parcels, adding that all three proposed lots exceed 7,000 square feet, and pointed out that one of the requested setbacks is not necessary. He explained that the applicant is basically re-labeling yards, as part of this development, clarifying that what was once a side yard is now a rear yard because

1 of the new street. Concluding, he observed that Mr. Ludwick, Mr. Renner and
2 himself are available to respond to any questions or comments.

3
4 On question, **LANCE LUDWICK**, representing *Harris, McMonagle*
5 *Engineering*, advised Commissioner Johansen that a structure could not be built
6 within 21 feet of the east boundary. He pointed out that there is currently a 15-
7 foot easement for a sanitary sewer that runs north/south along the east property
8 line of Parcel No. 2, which basically eliminates the possibility of placing a
9 structure at that particular location.

10
11 Mr. Vincent pointed out that based on the fact that locating a structure within 21
12 feet of the east boundary is not feasible, the applicant had determined the physical
13 distance across the southern property line and cut it in half to provide for lots that
14 are as uniformly square as possible while allowing for a building.

15
16 Referring to the configuration of the access street, Chairman Voytilla questioned
17 whether the 20-foot paved area includes five feet for pedestrians.

18
19 Mr. Ludwick advised Chairman Voytilla that the 20-foot paved area does include
20 five feet for pedestrians, adding that because the street is too narrow, there would
21 be no on-street parking. He clarified that each resident would have driveways in
22 front of their garages that would allow for two vehicles for visitors, adding that a
23 deed restriction would be included in the plat.

24
25 Observing that the driveways of the residences are actually private property,
26 Chairman Voytilla questioned what provisions have been made for the parking of
27 other vehicles, such as delivery trucks.

28
29 Mr. Ludwick pointed out that because parking is not allowed on the street,
30 delivery trucks would be required to park in the driveways. He advised Chairman
31 Voytilla that the deed restrictions would not allow the residents to park in their
32 driveways.

33
34 Chairman Voytilla expressed his opinion that this would cause individuals to park
35 in the cul-de-sac, which is not allowed by the code.

36
37 **PUBLIC TESTIMONY:**

38
39 On question, no member of the public appeared to testify regarding this
40 application.

41
42 Mr. White clarified the issue regarding Condition of Approval No. 1 for the
43 Flexible Setback, clarification of Condition of Approval, recommending that the
44 last sentence should be amended, as follows: "...shall observe the setbacks as
45 required **by the Development Code**.
46

1 Chairman Voytilla expressed his opinion that this sentence should be phrased
2 more specifically.

3
4 Commissioner Maks suggested that the sentence be amended, as follows:
5 "...future additions, ~~or~~ modifications, or replacements to the dwelling on Lot
6 No. 1..."

7
8 Expressing his opinion that there could be some confusion in the future,
9 Commissioner Johansen suggested that in order to eliminate any potential for
10 confusion, the last sentence of Condition of Approval No. 1 be amended to reflect
11 that Lot No. 1 shall observe the standard setbacks required for the zoning of the
12 property.

13
14 On question, Mr. Naemura indicated that he had no comments at this time.

15
16 The public portion of the Public Hearing was closed.

17
18 Observing that he is in support of both applications, Commissioner Maks
19 expressed his opinion that both good project application and good use of the land
20 are involved, adding that due to concerns with regard to process, he intends to
21 abstain from voting on the Land Partition.

22
23 Commissioners Lynott, Johansen, Bliss and Barnard all expressed their support of
24 both applications.

25
26 Expressing concern with parking and the realities of the way people live,
27 Chairman Voytilla expressed support of both applications, observing that the
28 Flexible Setback application needs to be modified.

29
30 Commissioner Johansen **MOVED** and Commissioner Lynott **SECONDED** a
31 motion that LP 2001-0001 --- Miss Tracy Estates Land Partition, be approved,
32 based upon the testimony, reports and exhibits presented during the Public
33 Hearing on the matter and upon the background facts, findings and conclusions
34 found in the Staff Report dated March 21, 2001, based upon this Public Hearing,
35 and subject to Condition of Approval No. 1.

36
37 Motion **CARRIED**, unanimously, with the exception of Commissioner Maks,
38 who abstained from voting on this issue.

39
40 Commissioner Johansen **MOVED** and Commissioner Maks **SECONDED** a
41 motion that FS 2001-0002 --- Miss Tracy Estates Flexible Setback, be approved,
42 based upon the testimony, reports and exhibits presented during the Public
43 Hearing on the matter and upon the background facts, findings and conclusions
44 found in the Staff Report dated March 21, 2001, based upon this Public Hearing,
45 subject to Condition of Approval No. 1, with the final sentence of Condition of
46 Approval No. 1 amended, as follows:

1 After recording the final plat for Miss Tracy Estates, future additions, ~~or~~
2 modifications, or replacements to the dwelling on Lot No. 1 shall observe
3 the required setbacks for the underlying zone, ~~as required~~.
4

5 Motion **CARRIED**, unanimously.
6

7 **APPROVAL OF MINUTES:**
8

9 Minutes of the meeting of February 28, 2001, submitted. Chairman Maks
10 requested that line 34 of page 9 be amended, as follows: "the ~~Dapple-Gray~~
11 **Dapplegray** Loop area..." Commissioner Voytilla referred to page 10, requesting
12 that line 39 be amended, as follows: "Referring to the ~~age~~ **staff photographs** of
13 the Lombard Corridor trees..." Commissioner Maks **MOVED** and
14 Commissioner Johansen **SECONDED** a motion that the minutes be approved, as
15 amended.
16

17 Motion **CARRIED**, unanimously.
18

19 Minutes of the meeting of March 7, 2001, submitted. Chairman Voytilla
20 requested that line 20 of page 4 be amended, as follows: "...provide more of a
21 general synopsis of what occurred, rather than being verbatim, and that
22 drawings or exhibits be merely referenced." Commissioner Maks **MOVED** and
23 Commissioner Johansen **SECONDED** a motion that the minutes be approved as
24 written.
25

26 Motion **CARRIED**, unanimously, with the exception of Commissioner Lynott,
27 who abstained from voting on this issue.
28

29 **MISCELLANEOUS BUSINESS:**
30

31 The meeting adjourned at 8:08 p.m.